

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1084 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 9-24-11-3, AS AMENDED BY P.L.225-1999,
- 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 3. (a) A license issued to an individual less
- 5 than eighteen (18) years of age is a probationary license.
- 6 (b) An individual holds a probationary license subject to the
- 7 following conditions:
- 8 (1) Except as provided in ~~IC 31-37-3-1~~, IC 31-37-3, the
- 9 individual may not operate a motor vehicle during the curfew
- 10 hours specified in IC 31-37-3-2.
- 11 (2) During the ninety (90) days following the issuance of the
- 12 probationary license, the individual may not operate a motor
- 13 vehicle in which there are passengers unless another individual
- 14 who:
- 15 (A) is at least twenty-one (21) years of age; and
- 16 (B) holds a valid operator's license issued under this article;
- 17 is present in the front seat of the motor vehicle.
- 18 (3) The individual may operate a motor vehicle only if the
- 19 individual and each occupant of the motor vehicle has a safety
- 20 belt properly fastened about the occupant's body at all times when
- 21 the motor vehicle is in motion.
- 22 (c) An individual who holds a probationary license issued under this
- 23 section may receive an operator's license, a chauffeur's license, a public
- 24 passenger chauffeur's license, or a commercial driver's license when the

individual is at least eighteen (18) years of age.

(d) A probationary license issued under this section:

- (1) is valid for not more than four (4) years from the date the license is issued; and
- (2) may not be renewed.

SECTION 2. IC 31-37-3-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) It is a defense to a violation under this chapter that the child was emancipated:**

- (1) under IC 31-37-19-27 or IC 31-6-4-15.7 (before its repeal);**
- (2) by virtue of having married; or**
- (3) in accordance with the laws of another state or jurisdiction;**

at the time that the child engaged in the prohibited conduct.

(b) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:

- (1) accompanied by the child's parent, guardian, or custodian;**
- (2) accompanied by an adult specified by the child's parent, guardian, or custodian;**
- (3) participating in, going to, or returning from:**
 - (A) lawful employment;**
 - (B) a school sanctioned activity;**
 - (C) a religious event;**
 - (D) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;**
 - (E) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or**
 - (F) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults;**
- or**

- (4) engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.**

SECTION 3. IC 31-37-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) If a child is not taken into custody under an order of the court, the law enforcement officer may release the child or may release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. ~~However,~~ Subject to subsection (c), the law enforcement officer may place the child in detention if the law enforcement officer reasonably believes that:**

- (1) the child is unlikely to appear before the juvenile court for**

- 1 subsequent proceedings;
2 (2) the child has committed an act that would be murder or a
3 Class A or Class B felony if committed by an adult;
4 (3) detention is essential to protect the child or the community;
5 (4) the parent, guardian, or custodian:
6 (A) cannot be located; or
7 (B) is unable or unwilling to take custody of the child; or
8 (5) the child has a reasonable basis for requesting that the child
9 not be released.
10 (b) If a child is detained for a reason specified in subsection (a)(4)
11 or (a)(5), the child shall be detained under IC 31-37-7-1.
12 **(c) Unless a law enforcement officer determines that detention**
13 **is essential to protect a child or the community, the law**
14 **enforcement officer who detains a child for a violation of the**
15 **curfew law under IC 31-37-3 shall make a good faith effort to**
16 **release the child to the child's parent, guardian, or custodian**
17 **within a reasonable time after the child is detained.**
18 SECTION 4. IC 31-37-3-1 IS REPEALED [EFFECTIVE UPON
19 PASSAGE].
20 SECTION 5. **An emergency is declared for this act.**
(Reference is to HB 1084 as printed February 9, 2001.)

Representative Cheney